

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TANYA C. SHEPARD,

2:13-CV-2261 JCM (PAL)

Plaintiff(s),

V.

MARATHON STAFFING, INC.

Defendant(s).

ORDER

15 Presently before the court are Magistrate Judge Leen's report and recommendation. (Doc.
16 # 5). Plaintiff Tanya Shepard has not filed an objection and the deadline in which to do so has
17 expired.

18 This court “may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
20 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo
21 determination of those portions of the [report and recommendation] to which objection is made.”
22 28 U.S.C. § 636(b)(1).

23 Where a party fails to object, however, the court is not required to conduct “any review at all
24 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
25 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
26 judge’s report and recommendation where no objections have been filed. *See United States v.*
27 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the

1 district court when reviewing a report and recommendation to which no objections were made); *see*
2 also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
3 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
5 recommendation, then this court may accept the recommendation without review. *See, e.g.*,
6 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
7 to which no objection was filed).

8 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
9 whether to adopt the recommendation of the magistrate judge. The magistrate judge screened the
10 complaint, determined that it failed to state a claim, and gave plaintiff thirty days in which to file an
11 amended complaint. Plaintiff did not file an amended complaint, did not request an extension of
12 time, and has otherwise not participated in the prosecution of her lawsuit. In light of her failure to
13 participate, the magistrate judge recommends that the complaint be dismissed.

14 Upon reviewing the recommendation and underlying briefs, and in light of plaintiff's failure
15 to object, this court finds good cause appears to ADOPT the magistrate's findings in full.

16 Accordingly,

17 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Leen's
18 report and recommendation (doc. # 5) be, and the same hereby are, ADOPTED.

19 IT IS FURTHER ORDERED that the complaint be DISMISSED without prejudice. The
20 clerk is instructed to enter judgment accordingly and close the case.

21 DATED July 30, 2014.

22 
23

UNITED STATES DISTRICT JUDGE
24

25

26

27

28